IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 15579 of 2005

Between:

Jagruti Degree College Rep. by its Correspondent
Padmasali Bhavan Blood Bank's Opp: Land Rajmohalla
Narayanaguda Hyderabad-29.

..... PETITIONER

AND

1. The Osmania University Rep. by its Correspondent, Hyderabad.
2. The A.P. State Council of Higher Education, Mahavir Marg, Opp: Mahavir Hospital, Masab Tank Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court be pleased to declare the action of the 1st respondent in disaffiliating the two courses of the petitioner college i.e., B.Sc. (Bio-Tech, Bio-Chem, Chem.) and B.Sc. (Bio-Tech, Micro Biology, Chemistry) w.e.f the academic year 2005-2006 vide the impugned proceeding No.1131/H/UG/Bio-Tech/Admn.IV-2, dated 6-6-2005 as arbitrary and illegal offending Article 14 of the Constitution of India by way of issue a writ, order or direction more particularly one in the nature of writ of Mandamus and issue a consequential direction to the 1st respondent to continue affiliation to the petitioner in respect of B.Sc. (Bio-Tech, Bio-Chem, Chem.) and B.Sc. (Bio-Tech, Micro Biology, Chemistry).

Counsel for the Petitioner: MR.NAMAVARAPU RAJESWARA RAO

Counsel for the Respondent No.1: MR.DEEPAK BHATTACHARJEE

Counsel for the Respondent No.2: MR.C.SURESH ANAND

The Court at the admission stage made the following:

ORDER:

This writ petition is filed aggrieved by the action of the first respondent in disaffiliating two courses, namely, B.Sc., (Bio-Tech., Bio-Chem., Chem.,) and B.Sc., (Bio-Tech., Micro Biology, Chemistry) of the petitioner-College for the academic year 2005-06.

The grievance of the petitioner is that the impugned order of disaffiliation is not only discriminatory, but also suffers from another vice of being passed by an incompetent authority.

According to the learned counsel for the petitioner, it is only the Executive Council which is competent to decide such matters. But, the impugned order shows that it is only the Standing Committee of the Academic Senate which has taken the decision and as such the impugned order dated 06.06.2005 is illegal and unsustainable.

When this matter came up yesterday, i.e., 19.07.2005, the learned Standing Counsel appearing for the respondent-University took time till today to get instructions. On instructions, the learned Standing Counsel has fairly conceded that the matter was not placed before the Executive Council.

In the circumstances, without going into other aspects, the impugned order of disaffiliation, dated 06.06.2005, in respect of two courses referred to earlier is set aside.

The writ petition is accordingly disposed of. No costs.

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20.07.2005

Note: Issue CC by tomorrow

(b/o)

VGB

To

1. The Correspondent, Osmania University, Hyderabad.
2. The A.P. State Council of Higher Education, Mahavir Marg, Opp: Mahavir Hospital, Masab Tank Hyderabad.
3. 2CD copies.